

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES AUGUST 27, 2019

Members

Jeff Pangburn, Chairman
Dan Smith
Bob Seward III
Scot Strevell
John Conway

Also Present:

William Hessney, Attorney
Alison Lovely, Zoning Board Secretary
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of five (5) members were present. Matt Ostiguy & Bob Seward were absent. Introductions were made.

PUBLIC HEARINGS:

ZBA Appeal #2019-11– Stewarts–95 Troy Road-2 Area Variances for a 15’ x 42’ 3” addition and a 7’9” x 19’ 3” exterior freezer in the rear yard.

The following was read and/or referenced as being in the file.

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application & Authorization Form
- Planning Board Recommendation with supplemental report by Nancy Kupiec

Chad Fowler from Stewart’s Shops presented the proposal to the Board. Chad Fowler stated that he bought the building and then added on in 1994. Chad Fowler stated that back then they sold a lot of dairy, bread & grocery items. These days, food to go, beverage and gasoline are more popular and those things require more square footage. Chad Fowler stated that the most realistic place to put the addition is on the right side of the building, so the building is being extended 15’ to house a new addition & an exterior freezer. The freezer is 9.8’ from the property line and the addition is 8.8’ from the property line, the required rear setback is 12’. Chad Fowler stated that originally they were going to build with the required fire rated wall and then someone that got changed around so now they are asking for two Area Variances, they are still proposing to build the fire rated wall. Chairman Pangburn asked how far from the existing property line is the dumpster enclosure that they are replacing also. Chad Fowler stated it’s like 5’ away, the new one will be 12’ away.

•John Conway asked how far away the new dumpster enclosure was from the side property line, towards Dunkin Donuts & if they were removing any trees. Chad Fowler stated that’s a little more than 13’ or 14’ away. Chad Fowler stated that they are also adding landscaping to bring them in compliance to the code & also that they are removing about 3 trees.

- Chairman Pangburn asked with the layout of the building if there was any way to put the addition off the south side of the building. Chad Fowler stated that they did look at that but it would move all the parking away and it's on the wrong side.
- John Conway asked if the parking lot was going to be the same size and or if there was going to be more paving. Chad Fowler stated slightly, the blacktop goes from 20,600 to 20,300 & greenspace went from 25% to 23%.
- Chairman Pangburn stated that it looks like the building is being refaced so the addition will blend in. Chad Fowler referred to a plan that had stone on the bottom and siding above.
- Tom Hickey stated that in some of the plans it stated that they are working with Bruen Rescue Squad to put some employee parking back there. Tom said his other question is he doesn't see a walk way on the plan and if that was part of the plan. Chad Fowler stated that he doesn't have any information regarding that.
- John Conway asked if they're planning on removing the brick patio that exists. Chad Fowler stated that they're replacing that patio with a stamped concrete patio.

Chairman Pangburn asked if there was anything else. There was nothing.

Chairman Pangburn asked if there was anyone in the public who wanted to speak. There was no one.

Chairman Pangburn asked the applicant if there was anything else from the applicant. There was nothing.

Motion by Scot Strevell to close the public hearing. Seconded by Dan Smith. Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2019-11– Stewarts–95 Troy Road-2 Area Variances for a 15' x 42' 3" addition and a 7'9" x 19' 3" exterior freezer in the rear yard.

MOTION by Chairman Pangburn for **Zoning Board of Appeals to Declare SEQR Lead Agency**; in regards to Appeal #2019-11 Stewart's Shop Corp. – 95 Troy Road - Application for 2 Area Variances, the Zoning Board of Appeals has determined that this is an Unlisted is progressing an uncoordinated review under SEQRA, and declares itself the Lead Agency.

End of Motion

Second By: Scot Strevell ; any discussion?

Voice vote as follows:

In favor: 5
Oppose: 0
Abstain: 0

Motion Carries 5-0

MOTION by Chairman Pangburn: In regards to Appeal 2019-11 Stewart's Shop Corp. – 95 Troy Road, the Town of East Greenbush Zoning Board of Appeals hereby determines, based on the information and analysis submitted for Part 1 of the Short Environmental Assessment Form and other materials submitted by the project sponsor, or otherwise available to the reviewers, and after careful review of Part 2 – Impact Assessment, that the proposed action will not result in any significant adverse environmental impacts.

Second By: Tom Hickey; any discussion?

Voice vote as follows:

In favor:	<u>5</u>
Oppose:	<u>0</u>
Abstain:	<u>0</u>

Motion Carries 5-0

WORKSHOP: ZBA Members deliberated on the appeal.

ZBA Appeal #2019-11– Stewarts–95 Troy Road-2 Area Variances for a 15' x 42' 3" addition and a 7'9" x 19' 3" exterior freezer in the rear yard.

Resolved, That the Board of Appeals makes the following findings of fact:

1. There will not be an undesirable change in the character of the neighborhood as this will actually clean up the corner of the lot and move the dumpster further from the rear property line.
2. There is no other method available to the applicant as the existing layout has “back of the house” functions on north side. The south side is not conducive to any sort of exterior change and the east side has the parking lot & the gas pumps.
3. The requested variance is not substantial, it gets better with the change in the dumpster location in the new proposal.
4. The proposed variance will not have an adverse effect on the neighborhood, in fact the exterior will be renewed and make consistent across the entire building and with new trees and landscaping, it will be very professional when complete.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for two Area Variances for the construction of a 15' x 42' 3" addition and a 7'9" x 19' 3" exterior freezer in the rear yard be GRANTED with NO conditions.

This resolution was moved by Scot Strevell and seconded by John Conway at a meeting duly held on August 27, 2019.

(Discussion)

A vote was taken as follows:

John Conway	<u>Yes</u>
Matt Ostiguy	<u>Absent</u>
Tom Hickey	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>Absent</u>
Dan Smith	<u>Abstained</u>
Scot Strevell	<u>Yes</u>

NEXT MEETING: The next meeting on September 10, 2019 is hereby cancelled as well as September 23, 2019

APPROVAL OF MINUTES:

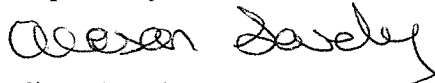
Approval of the July 9th, 2019 meeting minutes tabled due to a quorum issue.

Motion by John Conway to approve the meeting minutes from the July 23, 2019 meeting. Seconded by Scot Strevell. Motion carried by a 4-0-1 vote. Tom Hickey abstains.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Dan Smith. Seconded by Tom Hickey. Motion Carried by a 5-0 vote.

Respectfully Submitted



Alison Lovely, ZBA Secretary